

REMARKS

In the Examiner's Answer to Applicants' appeal brief, the Examiner rejected claims 1, 3-5, and 7-22 under 35 U.S.C. § 103(a) as unpatentable over Albal et al. (U.S. Patent Publication No. 2003/0147518) in view of Ksiazek (U.S. Patent No. 6,597,765).

By this Amendment, Applicants cancel claims 1, 3-5, and 7-22 and add new claims 26-52. Applicants respectfully submit that new claims 26-52 are patentable over any combination of Albal et al. and Ksiazek. Claims 26-52 are pending.

New independent claim 26, for example, is directed to a method performed by a voice portal. The method comprises receiving a call from a caller, where the call includes identifying information; identifying a first voice character, based on the identifying information, to be used by the voice portal when audibly interacting with the caller; detecting a speaking voice associated with the caller through the voice portal interaction with the caller; identifying a second voice character based on the detected speaking voice associated with the caller; and changing from the first voice character to the second voice character when further audibly interacting with the caller.

Neither Albal et al. nor Ksiazek, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 26. For example, neither Albal et al. nor Ksiazek discloses or suggests detecting a speaking voice associated with a caller through audible interaction with the caller using a first voice character, identifying a second voice character based on the detected speaking voice, and changing from the first voice character to the second voice character when further audibly interacting with the caller.

Albal et al. discloses that a communication node 212 can provide various dialog voice

personalities (i.e., a female voice, a male voice, etc.) and can implement various grammars (i.e., vocabulary) to detect and respond to the audio inputs from a user (para. 0047). Nowhere in this section, or elsewhere, does Albal et al. disclose or suggest that communication node 212 detects a speaking voice associated with a caller through audible interaction with the caller using a first voice character, identifies a second voice character based on the detected speaking voice, and changes from the first voice character to the second voice character when further audibly interacting with the caller, as required by claim 26.

Albal et al. also discloses that communication node 212 can automatically select various speech recognition models (i.e., an English model, a Spanish model, an English accent model, etc.) based on a user profile, the user's communication device, and/or the user's speech patterns (para. 0047). The speech recognition models identified by Albal et al. are used to recognize spoken words of the user (para. 0067) and not to audibly interact with the user, as required by claim 26. Therefore, nowhere in this section, or elsewhere, does Albal et al. disclose or suggest that communication node 212 detects a speaking voice associated with a caller through audible interaction with the caller using a first voice character, identifies a second voice character based on the detected speaking voice, and changes from the first voice character to the second voice character when further audibly interacting with the caller, as required by claim 26.

Ksiazek discloses that a default language for telephone operator services is automatically assigned to a call and the caller can selectively change the assigned default language by entering a language access code (col. 3, line 64 - col. 4, line 13). Nowhere in this section, or elsewhere, does Ksiazek disclose or suggest that a speaking voice associated with a caller is detected through audible interaction with the caller using a first voice character, a second voice character

is identified based on the detected speaking voice, and the first voice character is changed to the second voice character when further audibly interacting with the caller, as required by claim 26.

For at least these reasons, Applicants submit that claim 26 is patentable over Albal et al. and Ksiazek, whether taken alone or in any reasonable combination. Claims 27-34 depend from claim 26 and are, therefore, patentable over Albal et al. and Ksiazek for at least the reasons given with regard to claim 26. Claims 27-34 are also patentable for reasons of their own.

Claim 27 recites determining a locale associated with the call based on the identifying information. Neither Albal et al. nor Ksiazek discloses or suggests this feature. Both Albal et al. and Ksiazek disclose the use of automatic number identification (ANI) and/or caller line identification (CLI) (see, e.g., Albal et al., para. 0048; Ksiazek, col. 3, lines 43-47). ANI and CLI correspond to a telephone number and cannot reasonably be equated to a locale, as defined in Applicants' specification as a geographic area (see, e.g., Applicants' specification at page 16). Albal et al. and Ksiazek do not disclose or suggest anything similar to determining a locale associated with a call based on identifying information, as required by claim 27.

For at least these additional reasons, Applicants submit that claim 27 is patentable over Albal et al. and Ksiazek. Claims 28 and 29 depend from claim 27 and are, therefore, also patentable over Albal et al. and Ksiazek for at least the reasons given with regard to claim 27.

Claim 33 recites determining the second voice character based on the detected speaking voice associated with the caller and determined actions of the caller during interaction with the voice portal. Neither Albal et al. nor Ksiazek discloses or suggests anything similar to determining a voice character based on a speaking voice and actions of a caller, as required by claim 33.

For at least these additional reasons, Applicants submit that claim 33 is patentable over Albal et al. and Ksiazek.

New independent claim 35 recites features similar to, but possibly different in scope from, features recited in claim 26. Claim 35 is, therefore, patentable over Albal et al. and Ksiazek, whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 26. Claims 36-43 depend from claim 35 and are, therefore, patentable over Albal et al. and Ksiazek for at least the reasons given with regard to claim 35. Claims 36-43 also recite features similar to, but possibly different in scope from, features recited in claims 27-34. Claims 36-43 are, therefore, also patentable over Albal et al. and Ksiazek for at least reasons similar to reasons given with regard to claims 27-34.

New independent claim 44 is directed to a system that includes a voice portal to receive a call from a caller, where the call includes identifying information, determine a locale associated with the caller based on the identifying information, identify a voice character that is associated with the determined locale, audibly interact with the caller using the voice character, and switch from the voice character to a different voice character based on the audible interaction with the caller.

Neither Albal et al. nor Ksiazek, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 44. For example, neither Albal et al. nor Ksiazek discloses or suggests a voice portal to determine a locale associated with a caller based on identifying information, for reasons similar to reasons given with regard to claim 27.

Because Albal et al. and Ksiazek do not disclose a voice portal to determine a locale

associated with the caller based on the identifying information, Albal et al. and Ksiazek cannot disclose or suggest a voice portal to identify a voice character that is associated with the determined locale or audibly interacting with the caller using the voice character, as further recited in claim 44.

For at least these reasons and reasons similar to reasons given with regard to claim 26, Applicants submit that claim 44 is patentable over Albal et al. and Ksiazek, whether taken alone or in any reasonable combination. Claims 45-51 depend from claim 44 and are, therefore, patentable over Albal et al. and Ksiazek for at least the reasons given with regard to claim 44. Claims 45-51 also recite features similar to, but possibly different in scope from, features recited in claims 26-34. Claims 45-51 are, therefore, also patentable over Albal et al. and Ksiazek for at least reasons similar to reasons given with regard to claims 26-34.

New independent claim 52 is directed to a method comprising receiving a call from a caller, where the call includes identifying information; identifying a first voice character based on the identifying information; providing audible prompts to the caller in a speech pattern based on the first voice character; detecting a speaking voice associated with the caller; identifying a second voice character based on the detected speaking voice associated with the caller; and providing further audible prompts to the caller in a speech pattern based on the second voice character.

Neither Albal et al. nor Ksiazek, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 52. For example, neither Albal et al. nor Ksiazek discloses or suggests detecting a speaking voice associated with the caller, identifying a second voice character based on the detected speaking voice associated with the

caller, and providing further audible prompts to the caller in a speech pattern based on the second voice character, for at least reasons similar to reasons given with regard to claim 26.

For at least these reasons, Applicants submit that claim 52 is patentable over Albal et al. and Ksiazek, whether taken alone or in any reasonable combination.

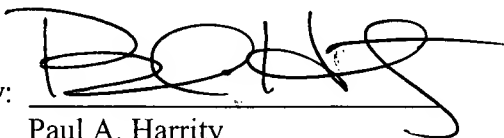
In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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